IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.414 OF 2006

In

SUIT NO.62 OF 2006

M/s.Kaleva Marketing Pvt. Ltd. : Petitioner
(Orig.Defendant)

V/s.

Major (Retd.) A. Chakravarty,
Proprietor of M/s.Gemini Enterprises : Respondent
(Orig.Plaintiff)

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(Orig.Plaintiff)

...

Mr.Aditya Khandeparkar i/b. M/s.Khaitan & Jayakar for the petitioners.

Ms S.P.Trivedi i/b. M/s.A. Bharat & Co., for the

respondents.

CORAM : S.A.BOBDE, J.

DATE : DECEMBER 17, 2007.

P.C.

1. The learned counsel for the defendants states that the dispute, which is the subject-matter of the suits, is pending arbitration by Mr.Justice S.K.Agarwal (Retd.), who is appointed as the Arbitrator by the parties. The learned counsel for the defendants, therefore, does not press these petitions under section 8 of the Arbitration and Conciliation Act. Since there is an arbitration going on regarding the dispute, the suits are also disposed of, in view of the observations of the Supreme Court in Hindustan Petroleum Corpn. Ltd. v. Pinkcity Midway Petroleums [(2003) 6 SCC 503] that the Court has a mandatory duty to refer a dispute arising between the contracting parties to an Arbitrator and cannot continue with the suit.

2. Order accordingly.

S.A. BOBDE, J.